

MAG

CPH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Horacio Buenaventura ROSALES-Zamora,

Defendant

07 OCT 15 AM 10:25  
Magistrate Docket No.  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2452


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States


The undersigned complainant, being duly sworn, states:

On or about **October 13, 2007** within the Southern District of California, defendant, **Horacio Buenaventura ROSALES-Zamora**, an alien, who previously had been excluded, deported and removed from the United States to **Nicaragua**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15<sup>th</sup> DAY OF OCTOBER,  
2007

  
William McCurine, Jr.  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Horacio Buenaventura ROSALES-Zamora**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On October 13, 2007, Senior Patrol Agent L. Ramirez was performing uniformed line watch duties as a member of the All Terrain Vehicle unit (ATV), in the Chula Vista Station area of responsibility. At approximately 12:00 a.m., Agent Ramirez responded to a call via radio from the infrared scope operator regarding a group of five individuals walking along an area known as "Windmill Canyon". This area is located approximately one mile east of the Otay Mesa, California Port of Entry and approximately one mile north of the United States/Mexico International boundary. "Windmill Canyon" is used on a daily basis by undocumented aliens attempting to further their entrance into the United States. Agent Ramirez approached the group, identified himself as a Border Patrol Agent and questioned the group, including an individual later identified as the defendant Horacio Buenaventura **ROSALES-Zamora**, as to their citizenship and immigration status. All the individuals including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 12:05 a.m., Agent Ramirez placed the all five individuals under arrest and arranged transportation to the Chula Vista Station for processing.

At the station, routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Nicaragua on April 17, 2007 through San Francisco, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 14, 2007 at 10:50 a.m.

  
Ismael A. Canto  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 13, 2007**, in violation of Title 8, United States Code, Section 1326.

  
William McCurine, Jr.  
United States Magistrate Judge

10/13/07, 1025 hrs  
Date/Time